

FISCAL NOTE

HB 2787

February 27, 2008

SUMMARY OF BILL: Elevates killing of public employees while on duty to first degree murder. Prohibits the district attorney general from entering into a plea agreement to a lesser charge unless the district attorney files a written statement in open court that there is insufficient admissible evidence to sustain a conviction for first degree murder.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,605,100/Incarceration*

Assumptions:

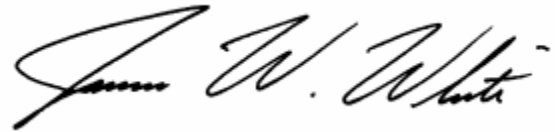
- Currently first degree murder, a Class A felony, is punishable by death, life imprisonment, or life with parole.
- According to the Department of Safety, there has been an average of four law enforcement officers murdered in the line of duty per year for the past five years. Based on those numbers, the Department of Correction (DOC) is estimating six additional persons will be convicted of first degree murder for the killing of a public employee and will serve an additional 34 years (an increase from 17 years to 51 years) in the first year.
- According to the DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years. Population growth will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on seven offenders. The cost per inmate at 17.0 years is \$389,816.72 (\$62.78 x 6,209.25 days). The cost per inmate at 51 years is \$1,169,450.15 (\$62.78 x 18,627.75 days). The maximum cost in the tenth year is \$619,120.67 (\$62.78 x 9,861.75 days). The additional cost of increasing the average sentence length from 17.0 years to 51.0 years is \$229,303.95 (\$619,120.67 - \$389,816.72). The total additional operating cost for seven offenders in the tenth year is \$1,605,127.65 (\$229,303.95 x 7).

- Any additional costs incurred by the District Attorneys General Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/lsc